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MAR 27 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

March 27, 1998

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Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

**DOCKET FILE COPY ORIGINAL**

Re: MM Docket No. 95-176;  
In the Matter of *Closed Captioning and Video Description of Video  
Programming, Implementation of Section 305 of the Telecommunications  
Act of 1996, Video Programming Accessibility*;  
Reply Comments of Lincoln Broadcasting Company to Further Notice of  
Proposed Rulemaking

Dear Ms. Salas:

On behalf of Lincoln Broadcasting Company, licensee of commercial, independent television broadcast station KTSF(TV), San Francisco, California, I enclose herewith for filing an original and eleven (11) copies of its "Reply Comments of Lincoln Broadcasting Company to Further Notice of Proposed Rulemaking" with the above-referenced proceeding.

Please stamp and return the enclosed extra copy of this filing designated for that purpose. You may direct any questions concerning this filing to the undersigned, counsel to Lincoln Broadcasting Company.

Respectfully submitted,

  
Michael D. Berg

Enclosures

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BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. 20554

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In the Matter of )  
)  
Closed Captioning and Video Description )  
of Video Programming )  
)  
Implementation of Section 305 of the )  
Telecommunications Act of 1996 )  
)  
Video Programming Accessibility )

MM Docket No. 95-176

To: The Commission

**REPLY COMMENTS OF LINCOLN BROADCASTING COMPANY**  
**TO FURTHER NOTICE OF PROPOSED RULEMAKING**

LINCOLN BROADCASTING COMPANY ("Lincoln"), licensee of commercial, independent television broadcast station KTSF(TV), San Francisco, California, submits these reply comments to opening comments filed in response to the Further Notice of Proposed Rulemaking released January 14, 1998 in this proceeding.<sup>1/</sup>

In these brief Reply Comments, Lincoln expands on the opening comments submitted February 25, 1998 by the National Association of Broadcasters ("NAB") in response to the Further Notice. In those comments NAB indicated that requiring closed captioning immediately of all news reports containing emergency information would be impractical and contrary to the Federal Communications Commission's ("FCC" or "Commission") recognition in the Further Notice that live captioning resources are limited

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<sup>1/</sup> Further Notice of Proposed Rulemaking, MM Docket No. 95-176, (released Jan. 14, 1998) ("Further Notice").

and need time to develop.<sup>2/</sup> For the reasons explained herein and in Lincoln's prior filings in this proceeding, these considerations apply with particular force to KTSF and other stations which broadcast programming in non-Latin based languages.

The Further Notice sought comment on the feasibility of requiring closed captioning immediately of all live news reports containing emergency information. Lincoln participated earlier in the proceeding by filing Comments on February 28, 1997, and Reply Comments on March 31, 1997, in response to the original Notice of Proposed Rulemaking.<sup>3/</sup> In those prior filings Lincoln supported an exemption from closed captioning requirements for programming in non-Latin based languages due to technical infeasibility. That exemption was incorporated by the Commission in Section 79.1(d)(3) of its rules, based in part on Lincoln's filings.<sup>4/</sup>

To the best of Lincoln's knowledge, the bases for that exemption remain valid and accurate, and for the same reasons noted in Lincoln's earlier Comments and Reply Comments, it continues to be infeasible to use closed captioning for programming of the non-Latin based languages broadcast by KTSF. That applies to non-emergency as well as emergency material, which as the Commission notes in the Further Notice presents additional obstacles (e.g., by its nature, emergency information typically cannot be pre-recorded and captioned before being aired, and "real-time captioning resources [in general]

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2/ Id. at 3, citing Further Notice at ¶9.

3/ Notice of Proposed Rulemaking, MM Docket No. 95-176, 12 FCC Rcd 1044 (1997).

4/ Report and Order, MM Docket No. 95-176, (released August 22, 1997), at paras. 97, 98 and 146 ("... captioning of programming in languages that cannot be written in a Latin-based alphabet would clearly be economically burdensome given the current state of technology").

are somewhat limited at this time.")<sup>5/</sup> Use of closed captioning as the method to transmit emergency information visually for non-Latin based languages is therefore not possible at present.

By means other than closed captioning, Lincoln, as stated in its earlier filings, seeks to do all that it can to make its programming available to hearing-disabled viewers. That includes the visual presentation, by means other than closed captioning, of emergency information as required by Section 73.1250 of the Commission's rules.

In addition, Lincoln goes beyond these requirements to bring emergency information to all viewers, including those who are hearing-disabled, who speak non-Latin based languages. For example, in the aftermath of the 1989 "Loma Prieta" earthquake KTSF developed translations, in non-Latin-based languages, of earthquake emergency safety information that is usable in any earthquake situation. That information is now available in tape format for broadcast in six different languages (Cantonese, Mandarin, Korean, Japanese, Vietnamese and English) at various time intervals following any quake (i.e., first 10 minutes, 10 minutes to 2 hours after an earthquake), and the tapes contain both visual and audio information. KTSF also co-produced a written earthquake emergency pamphlet in Chinese which has been provided to local community groups and viewers free of charge.

For the foregoing reasons, Lincoln supports application of the existing exemption for foreign-language programming, at least for programming in languages using non-Latin

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<sup>5/</sup> Further Notice, ¶ 9.

based characters, to any requirement that may be adopted for real-time closed captioning of emergency information, at least until such time as it becomes feasible in the future for programming of this kind.

Respectfully submitted,

**LINCOLN BROADCASTING COMPANY**

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March 27, 1998

cc: National Association of Broadcasters